ERIC Document Resume	See Instruction Sheet	DATE OF RESUME 10/22/65	DATE RECEIVED

A. PUBLICATION DATA

1. ERIC NUMBER	2. ORIGINATOR CONTROL NO(S).	3. IDENTIFICATION NO.
ED002339	N.A.	N.A.

4. AUTHOR(S): N.A.

5. TITLE OF DOCUMENT ABSTRACTED: Migrant Farm Labor in New York State

6. PUBLICATION TITLE: N.A.

7. EDITOR(S): N.A.

8. PLACE OF ORIGIN
ORG. New York State Interdepartmental Committee on Farm and Food Processing Labor
ST.
CITY, STATE Albany, New York
TELE. EXT
INST/LOC CODE

9. PUBLISHER OR SOURCE New York State Interdepartmental Committee on Farm and Food Processing Labor, Albany, New York

10. VOL.	11. PAGES	12. MO./YR.	13. TOTAL PP.
N.A.	N.A.	1963	16

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TYPE OF REPORT
PROPOSAL ☐
IN-PROGRESS ☐
FINAL ☒
FOLLOW-UP ☐

OTHER ERIC REFERENCES:

ERIC SATELLITE CODE

B. INDEXING DATA

14. SUBJECT AREA

15. TYPE OF ENDEAVOR Report

16. INDEXING TERMS (6-12)

child care		community cooperation	agriculture
health	labor conditions	motor vehicles	labor
education	safety	social welfare	
housing	employer-employee relations	state police	

17. ABSTRACT (MAX. 250 WORDS)

Seven New York State Departments work together to see that the migrant is treated fairly and humanely in the areas of health, housing, child care, education, labor conditions, safety, and employer-employee relations. An Interdepartmental Committee guides the efforts of the Departments. The agencies work with a body of State law which is updated and improved from year to year. Supplementing these services is the work of the Governor's Advisory Council, representing growers, religious groups, civic groups, and private groups. These groups draw on the State government for help and, in turn, assist the State Department in attuning their efforts to local conditions.

Successful programs are described. Child care centers are largely supported by the State. Children of migrant workers attend special summer schools. Permits to operate camps are required. Specially trained health educators work in the camps. Growers, contractors, and transporters register with the State when five or more workers are involved. Individual work records are kept by the employers and are available for inspection. Migrant workers are furnished pay statements. Child labor laws are enforced. Welfare assistance covers food, clothing, household incidentals, and medical care. Medical care includes medical and surgical treatment, dental and nursing care, and drugs.

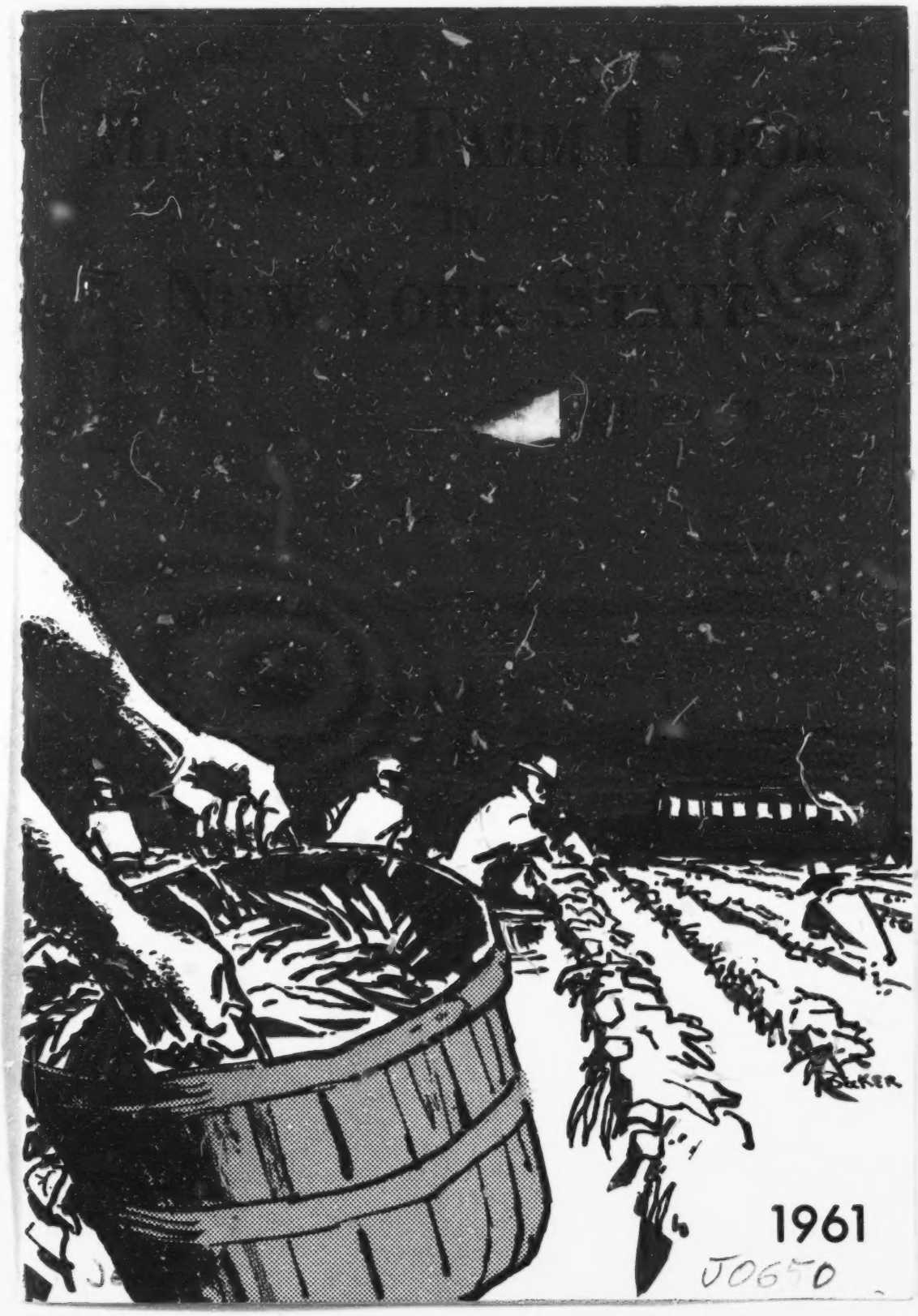
ERIC No.

18. SOURCE OF ABSTRACT

C. FUNDING DATA

19. SUPPORTING ORGANIZATION	20. DIVISION OR DEPT.	21. CONTRACT NO. / PROJECT NO.
	22. TOTAL COST OF PROJECT	
	23. DURATION OF PROJECT	U.S. Department of Health, Education, and Welfare Office of Education

ERIC Form 1



U. S. DEPARTMENT OF HEALTH, EDUCATION AND WELFARE
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STATE OF NEW YORK

Nelson A. Rockefeller, Governor

The New York State Interdepartmental Committee on Farm and Food Processing Labor provides a coordinated approach by the administrative agencies of State government to New York's program for farm labor. The Committee includes representatives from the:

Department of Agriculture and Markets
Department of Education
Executive Department, Division of State Police
Department of Health
Department of Labor
Department of Social Welfare
Department of Motor Vehicles
Extension Service, State University College of Agriculture at Cornell, *Advisory Member.*

Daniel M. Dalrymple
Committee Chairman

Horace M. Putnam
Executive Secretary

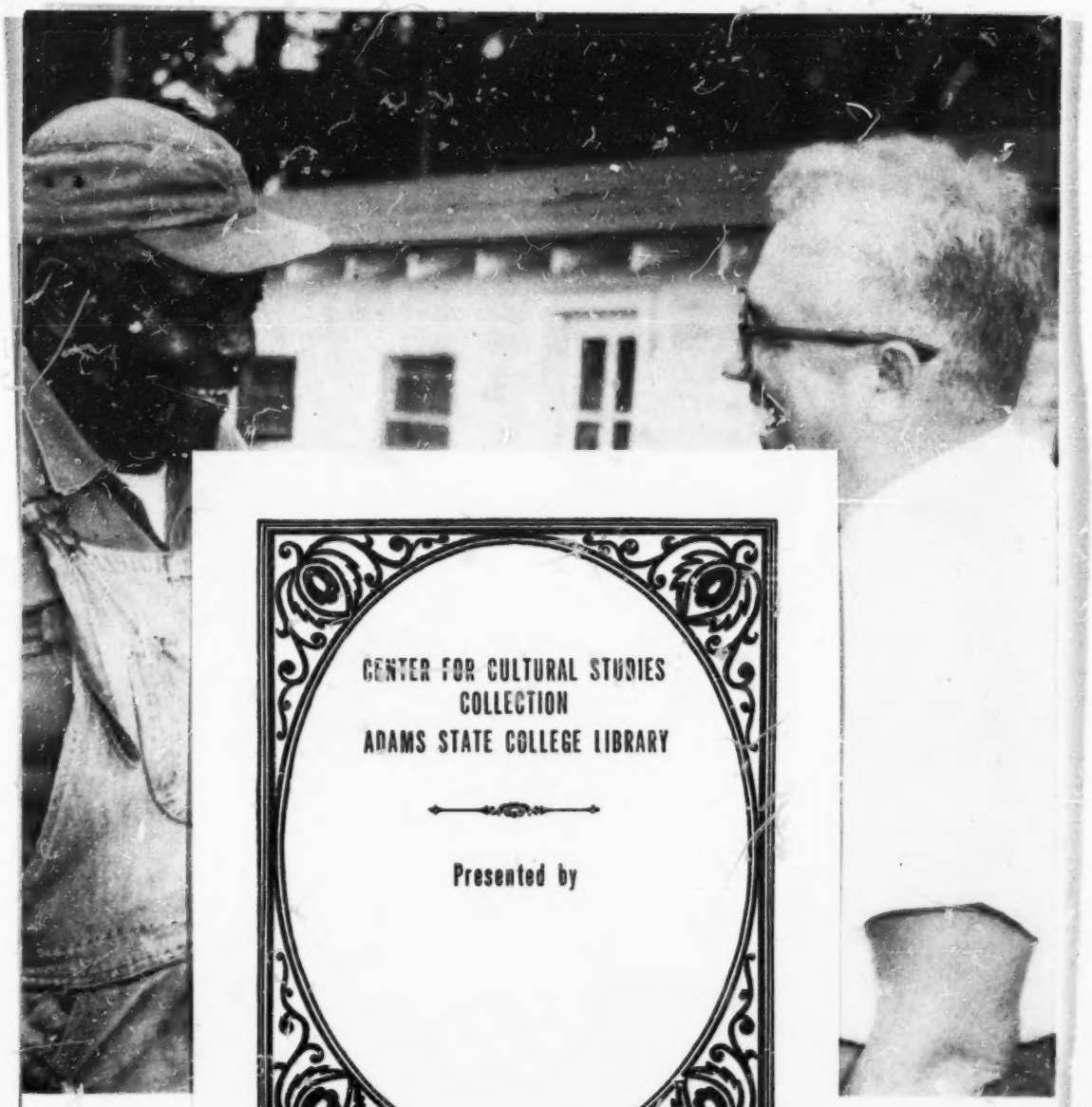
MIGRANT FARM LABOR
IN
NEW YORK STATE

A Report by the
New York State Interdepartmental Committee
on Farm and Food Processing Labor

Albany

1961

ED002339



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by the Labor Law.

New York State's Program

"We haven't seen much of this kind of control and regulation that New York has. Some states, by regulation, deal with crew leaders, but very few deal with all the problems that you have concerned yourselves with through State regulation."
(U.S. Senator Harrison A. Williams, Jr., Chairman of the Senate Subcommittee On Migratory Labor at a hearing December 7, 1959, in New York City.)

New York State's migrant farm labor program started more than half a century ago. It marches forward today in the work of seven State Departments.

This is the story of what New York State is doing for the migrant worker. It is the story of a State which annually welcomes the largest number of interstate migrant agricultural workers on the Eastern seaboard. It is the story of a program which has led the way in caring for the migrant farm laborer. It is the story of how a State acts.

The program reflects the State's continuing concern for all workers as expressed in its Constitution:

> *"Labor of human beings is not a commodity nor an article of commerce and shall never be so considered or construed."* (Article I, Sec. 17.)

New York is one of the major agricultural states. It is the largest producer of several fruits and vegetables for processing among the states, and is the third largest in quantity of all vegetables produced for processing.

Farm production of such magnitude requires thousands of seasonal workers to supplement individual farmers, their families and regular employees of fruit and vegetable processing plants. Some 70,000 seasonal workers help during the State's annual harvest peak, and about 25,000 of them are migrants. For some migrants, New York is the last stop on a yearly harvest trek that begins in Florida and moves north with the ripening of each crop. For others, it is a non-stop trip from the South. In either case, New York is a major factor in their annual employment and income pattern.

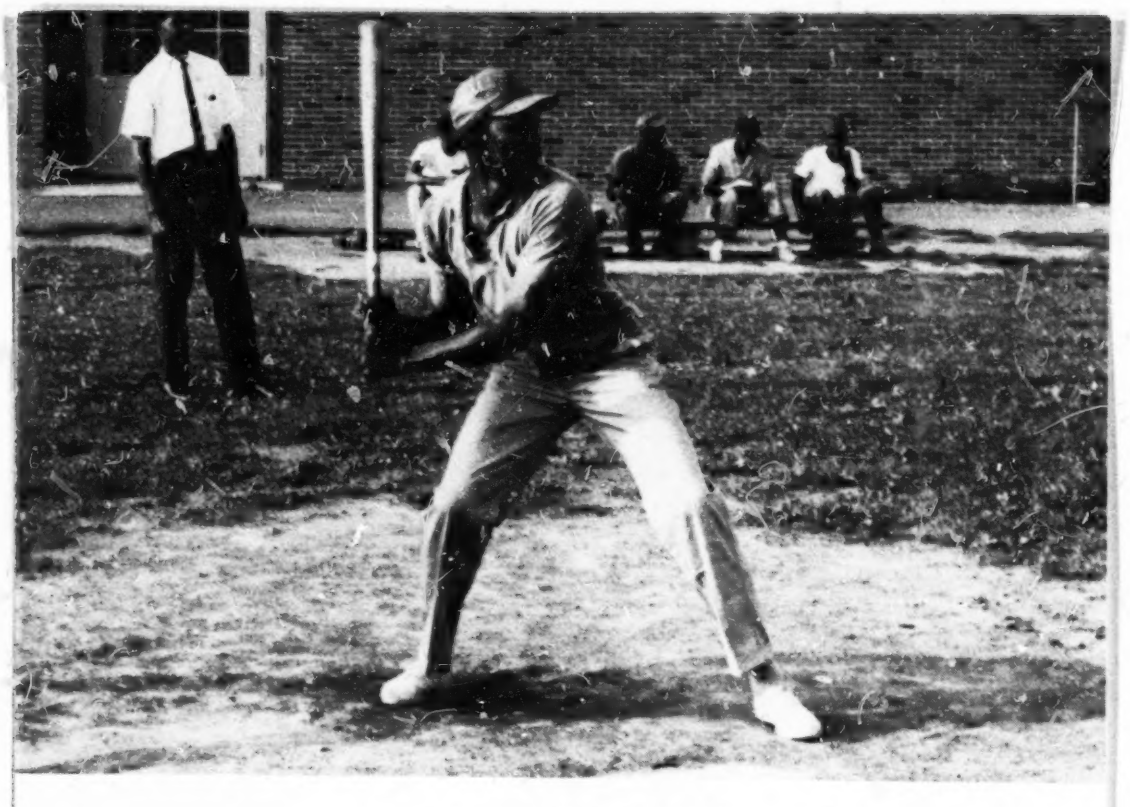
The migrant is a key figure in the State's agricultural economy, and the State of New York aims to treat him well.

This is the reason why its Migrant Labor Committee came into being. Known officially as the New York State Interdepartmental Committee on Farm and Food Processing Labor, the group is drawn from seven Departments. The combined forces of these units provide well tested and constantly improved services for migrants touching on their:

Health	Education
Housing	Labor Conditions
Child Care	Safety

Employer-Employee Relations

Supplementing these services is the work of the Governor's Advisory Council, representing growers, religious, civic and other private interested groups. The voluntary efforts of this Council contribute much to the program's success.



Community organizations, with the assurance of State government cooperation through the Governor's Advisory Council, arrange recreation programs for the migrant workers. On the Germantown, N. Y. Central School recreation field, a worker sets himself for the "high, hard one" with the camp chaplain (white shirt) an interested spectator.

State Departments directly and through the Interdepartmental Committee have been active in promoting joint action on the community and area level by public and private groups. Thus local welfare and health authorities, civic groups, and social service agencies, pool their resources for effective work at the

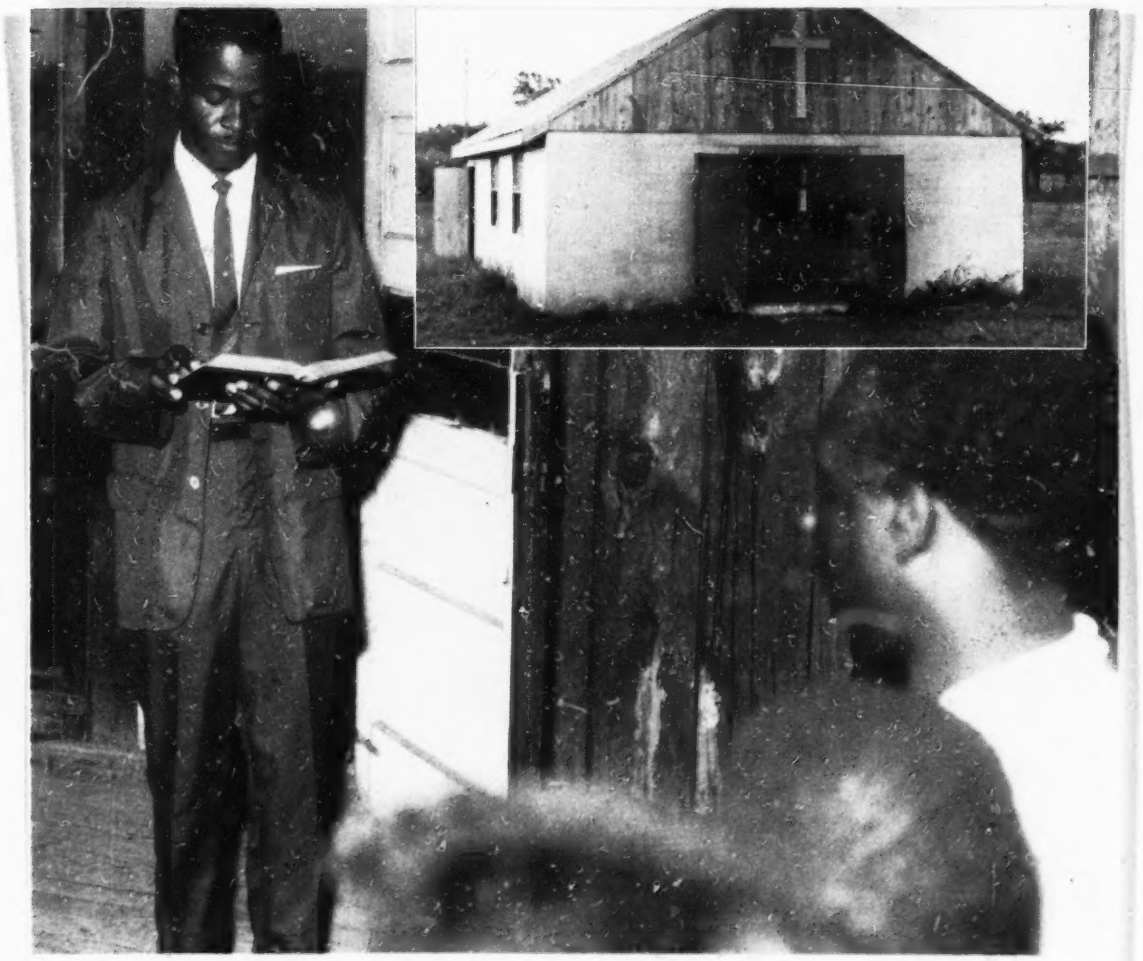
local level. They draw on the State government for help, and in turn assist the State Departments in tuning their efforts to local conditions.

Furthermore, the work of the State has been paralleled for the past 40 years by the intensive efforts of the major religious groups and associations. One minister on Long Island said of his work: "Our task is to awaken the individual consciences of the community to what needs to be done. We keep trying." More than this, these groups have worked to nurture religious participation among the migrants, give them a link with the community, educate them, and notify the public and State authorities of any conditions which require concentrated action.

Thus, one State-wide church organization has placed ministers or chaplains to serve more than 300 labor camps in the State. This one group has furnished a paid staff of 35 and a total of 52 college-age youth to work with the migrants. Some 900 community volunteers participate in this one large religious program, which involves 24 separate projects in 73 communities, supervised by 35 area and local committees, and serving more than 22,000 migrants.

In one area alone—on Long Island—ministers have operated a summer school, recruited children for a similar summer session financed by the State Education Department, conducted night classes in reading and writing, operated a day-care center for smaller children, shown instructional moving pictures, and organized recreation for the adults.

New York State's migrant labor committees have been intimately concerned with the needs of the migrant since the early 1940's. In many cases those needs



A chaplain conducts religious services in a camp in Livingston, Columbia County. The chapel (inset), located in Byron Town, Genesee County, was built as the result of donations by farmers. Administering to the religious needs of the migrant laborer is a program conducted at the local level with State government cooperation.

could only be met by new or revised laws. In this area, the Joint Legislative Committee on Migrant Labor has given continuous and unlimited cooperation. Thus in recent years, every session of the Legislature has seen an up-dating of laws affecting the migrant worker and an expansion of services to him.

Diligent administration of these laws is the answer to the needs of the migrant farm worker. This is being done successfully, and the details of how each responsible State agency does its job are included in the following pages.

The Program in Detail

DEPARTMENT OF AGRICULTURE AND MARKETS

The Executive Assistant to the Commissioner of Agriculture and Markets serves as Executive Secretary of the Interdepartmental Committee. As such, he coordinates the program.

The Department supervises migrant child care centers. In 1960, while their parents worked, 530 children from infancy to age 14 received 12,863 days care in 12 centers operated by the New York State Federation of Growers' and Processors' Association, Inc. In 1961, there were 15 centers, with 90% of the cost of operation paid by the State.

Local church, farm and civic groups give valuable voluntary assistance to the centers. In addition, they aid in the distribution of information on the general program.

Child care centers for children of migrant workers are supervised by the State Department of Agriculture and Markets. Classwork in the centers is under the supervision of the State Department of Education. Classes over, youngsters line up in a corridor of the Westmoreland Central School to go to the cafeteria.

DEPARTMENT OF EDUCATION

Recognizing the unique situation of migrant children, the Department took a special census in 1960 to determine the educational needs of children of migrant workers. The census tallied 3,602 children up to age 18, with 2,076 of them enrolled in schools operated by the State for them. In recent years, definite increases have been noted in the number who continue in school for the upper years.

The Department ran eight summer schools for children of migrant workers during the 1960 season. In addition, two combined child care centers and schools for the younger children proved equally successful.

DEPARTMENT OF HEALTH

Significant steps have been taken in recent years to insure healthful conditions in the more than 1,000 migrant camps in the State. In 1960 alone, more than 8,000 inspections of camp health and housing facilities were made.

In 1958, the Legislature amended the Public Health Law to require permits to operate such camps which were occupied by five or more persons. Provisions for permits are outlined in the State Sanitary Code.

The Code, which has contained regulations concerning migrant camps since 1913, sets up specific requirements relating to housing, fire hazards, bathing and toilet facilities, food handling and food storage facilities, water supply and sewage disposal in camps.

During 1960, two new provisions of the State Sanitary Code took effect. These call for hot and cold running water for bathing facilities and screening of living quarters.

The Department employs specially-trained public health educators who constantly instruct families in health matters and on the need for good personal hygiene. Films and printed material on sanitation, nutrition, child care, cleanliness, personal hygiene, fire prevention, safety and first aid are utilized by the health educators.

No outbreaks of communicable disease occurred in any New York migrant labor camp in 1960. Migrant families received 1,660 immunizations for poliomyelitis, diphtheria, whooping cough, tetanus and smallpox, while 433 serologic blood tests and 413 chest x-rays were taken.

Public health nurses made 6,962 visits to migrant labor camps during the season. In addition, child health conferences were held in child care center areas.

The health of the migrant is protected under the supervision of the State Department of Health. In a camp near Hudson, a worker receives his polio "shot" while other workers await their turns.

Camp commissaries are required to post their price lists and the State Department of Labor sees that this requirement is met. Thus the migrant worker is protected from excessive charges. This camp commissary is located in the Bridgewater section of Oneida County.

DEPARTMENT OF LABOR

The Labor Department handles the job placement of many migrants and is authorized to supervise certain working conditions.

The supervision prescribed by the State Labor Law requires the registration of those responsible for bringing migrant workers into the State, protection of minors, posting of commissary prices, prompt wage payment, keeping of accurate payroll records, and the furnishing of wage statements to migrants.

The State Employment Service handles the recruitment and placement of local, intrastate, interstate and "off-shore" workers; and under certain conditions, workers from Canada and the West Indies. However, the Service looks for workers first among local labor, and the local labor supply must be exhausted before the Department will encourage migrant recruitment.

During the past three years the Employment Service, on behalf of New York State growers, filled 42,600 seasonal job openings from workers along the Eastern seaboard, 3,500 openings for Puerto Rican workers under an employment agreement, and 2,000 openings for foreign labor. Over 5,000 of the interstate workers were directed toward jobs in Southern states on their homeward movement after the harvest work in New York State.

Each April, New York State, in cooperation with other East Coast states, participates in the pre-season recruiting of crew leaders in the State of Florida. This activity permits the workers to be scheduled to jobs, in order to minimize the search for work and to provide

Children of migrant laborers have fun while learning in the child care center at the Westmoreland Central School. The State Department of Education administers the educational program in these centers.

more continuous employment. In the Spring of 1961, employers requested the agency to arrange and confirm employment for 13,000 interstate workers.

New York's Labor Law prohibits the hiring of children under age 14 on farms, except for 12 and 13-year-olds who may be hired, under rigid controls, for simple hand harvesting no more than four hours a day.

A registration certificate from the Industrial Commissioner, who heads the Department of Labor, must be obtained by any person who employs, recruits, transports and brings into the State, or is responsible for

bringing into the State, 10 or more migrant workers. The base drops to five workers on January 1, 1962.

Facts on wages, housing, working conditions and such other information as the Commissioner may prescribe must be supplied to him by such registrants. They also must furnish this information to each worker and post at least one copy in the migrant camp.

In 1960, 537 growers, contractors and transporters registered. The Department took action against 69 individuals in 1960 for failure to register.

The State Labor Law also requires farm labor contractors (crew leaders) who, *for a fee,* recruit, transport, supply, hire, control or supervise workers to register with the Commissioner. In 1960, there were 549 registered, and failure-to-register action was taken against 80 persons.

Owners or lessees of farms or food processing plants cannot engage the services of an unregistered farm labor contractor or crew leader. Action was taken against 67 growers and processors under this law in 1960.

Since 1958, the New York State Labor Department has required the operator of a commissary or store in a farm labor camp to obtain a permit from the Department and to post prices charged for merchandise, food, or meals. The law screens operators to allow only those of reputable character to operate commissaries. The required posting is designed to protect migrant workers from being charged excessive prices.

Like other employers, farm labor employers are required to pay wages in full, weekly, except that they may pay every two weeks if the payment covers all work done through payday. Wage rates for migrants must be at least as high as those contained in the registration application.

All contractors, crew leaders and other registered farm labor employers must keep individual worker records showing wage rates, wages earned, hours worked if paid on an hourly basis, and units produced if paid on a piece-work basis. Such records must be readily available for Department inspection. In addition, each employer or crew leader must furnish each migrant,

with every wage payment, a written account of his wage rate, hours worked or units produced, wages earned and all withholdings.

DEPARTMENT OF MOTOR VEHICLES

Trucks and busses transporting migrant workers are inspected for safety. Insurance is compulsory for all motor vehicles registered in New York State. Seasonal permits are given a migrant who submits a certificate from a company authorized to issue liability and property damage insurance in his own state or in New York State, provided his vehicle is currently registered in his own state.

A migrant who is at least 18 years of age and holds a valid driver's license in his own state may obtain a New York driving permit by passing visual and highway sign identification tests.

Seasonal registrations for 940 vehicles were approved and 1,625 migrant driving permits issued in 1960.

DEPARTMENT OF SOCIAL WELFARE

This Department has two major responsibilities in the program. They are: (1) to see that needy migrant workers and their dependents receive public assistance, and (2) to see that migrant child care centers meet standards that protect the youngsters' health, safety and general well-being.

The child care centers operate under permits issued by the Department.

Local welfare departments administer public assistance under State supervision and with full State reimbursement. Assistance covers food, clothing, household incidentals, medical care and other necessities for the family's health and welfare. Medical care includes medical and surgical treatment, dental and nursing care and other services, drugs and supplies.

DIVISION OF STATE POLICE

The Division of State Police inspects camps for violations of the State Sanitary Code when requested and accompanied by representatives of the State Health Department or county health departments. In 1960, 3,362 inspections of camps were made. State Police enforcement of all other laws at migrant camps is handled the same as elsewhere throughout the State.

Child care centers are operated under standards prescribed by the State Department of Social Welfare to protect the safety and health of the youngsters. In this center, one of 15 operated in the State in 1961, a trained supervisor beds down the infants for their required daily nap between play periods.

Summary

The New York State picture is one of a coordinated attack by the State government on the real problems of the migrant agricultural laborer. Seven State Departments use their specialized manpower to see that the migrant is treated fairly and humanely. The agencies work with a body of State law which is updated and improved from year to year and has been appraised by Federal authorities as one of the most advanced programs in the Nation. The Interdepartmental Committee guides and coordinates the efforts of the Departments from the top level of the State government.

These efforts are a vital part of a continuing program to help meet the needs of migrant men, women and children. State services can only complement the personal responsibility of migrants, growers and residents of the community. While some "problem camps" appear sporadically, many growers go beyond the minimal State requirements to provide better conditions for their migrant workers.

The enlightened leadership given to our migrant program is in keeping with New York's progress in

many other fields. Laws were enacted to start the program when its need was evident, and through the years a changing agricultural picture has brought up-to-date laws to cope with new conditions. In this area, the Joint Legislative Committee on Migrant Labor gives unlimited cooperation.

Perfection has not been achieved, and local problems will continue to arise from time to time. This is so with any government, and any large migrating group of workers. Nevertheless, New York is constantly seeking improvement of its program for the 25,000 men and women who come each year to help harvest and process its farm products.

Indeed, a spokesman for an organization which works with thousands of migrants each year in New York State told a United States Senate Subcommittee investigating conditions in this State:

"These are problems for employers, communities, as well as religious faiths and government.

"New York State, we know, has done more to find a solution to the migrant problem than most other states."

(Testimony of the General Secretary, New York State Council of Churches, Rev. Kenneth A. Roadarmel before U. S. Senate Subcommittee On Migratory Labor, December 7, 1959.)

New York State's migrant labor program—including the work of child care centers, illustrated above—can best be evaluated by comparison with the programs of the other states. The following pages provide the data for this comparison.

Migrant Labor Programs In New York and Other States

PROTECTION OF MINORS

New York:

a. When school is not in session the minimum age for farm work is 14. As a result of 1960 legislation, however, children 12 and 13 may assist in the hand harvest of berries, fruits and vegetables for no more than four hours per day. Farm work permits are required for all children under 16.

b. When school is in session, the minimum age is 16.

Other States:

a. Nine states expressly provide minimum ages for general agricultural work outside of school hours. In three states the minimum ages are lower than New York's, and none is higher.

b. Fifteen states expressly provide minimum ages for agricultural work during school hours. In eight states the minimums are lower than New York's; none is higher.

CHILD CARE CENTERS

New York:

a. Child care centers, operated by the New York State Federation of Growers' and Processors' Association, Inc. are under the supervision of the Department of Agriculture and Markets.

b. Twelve such centers were operated in 1960, serving 530 children for a total of 12,863 child care days. There were 11 centers in 1958 and 12 in 1959. Fifteen were established for the 1961 season.

c. The State now pays 90% of the cost of child care centers, an increase from 75%. The parents pay 15 cents per child per day with a limit of 50 cents per family.

d. State support has increased from $48,161 expended in 1958 to $80,000 appropriated in 1961-62.

Other States:

Although child care centers are conducted in a few other states, New York's program accounts for 50% of all the centers in the United States.

PUBLIC HEALTH SERVICES

New York:

State or local public health nursing services are available to migrant labor camps. Serologic surveys, child clinics, pre-natal clinics or consultations, immunizing inoculations, inspection of migrant campers for evidence of communicable disease, bedside nursing and demonstration are services available. Public health educators conduct a program of health education in two areas of the State having a substantial number of migrants.

Other States:

Public health services for migrant workers are provided in other states in varying degree, but few states equal New York's activity in the field of public health services for migrants.

EMPLOYER, CONTRACTOR AND CREW LEADER REGISTRATION

New York:

a. A Certificate of Migrant Labor Registration issued by the Industrial Commisioner who heads the Department of Labor must be obtained by any person who employs, recruits, transports and brings into the State or is responsible for bringing into the State ten or more migrant workers. Effective January 1, 1962 this requirement will be applicable when five or more are involved.

b. All farm labor contractors and crew leaders who receive a fee for their services are required to register with the Industrial Commissioner and obtain a Certificate of Registration. Utilizing the services of such unregistered persons is prohibited. Since 1960 all applicants are checked with the Department of Correction and the Division of State Police for criminal records.

c. Employers, contractors and crew leaders, when registering, must furnish detailed information regarding wages, housing and working conditions. Copies of the application for a Migrant Labor Certificate are sent to the registrant to be posted and given to the workers.

d. The Commissioner may deny, revoke, suspend or refuse to issue a Certificate of Registration or a Permit to Operate a Farm Labor Camp Commissary for submission of false information, conviction of a crime, violation of Labor or Penal Laws, or if the applicant is not a person of good character or responsibility.

Other States:

Seven other states have laws requiring licensing or registration of farm labor contractors and crew leaders.

REGULATION OF MIGRANT LABOR CAMPS

New York:

a. In accordance with the Public Health Law, migrant labor camps are subject to the State Sanitary Code.

1. The Code is applicable to migrant labor camps occupied by five or more persons.

2. State or local health department permits are required to operate such camps of five or more persons.

The Code standards cover:

drainage and location
structural safety
sleeping quarters
light and ventilation
fire safety
screening
drinking water
toilet facilities
sewage disposal
garbage and refuse
bathing facilities

3. In 1960, there were 1,011 such camps. More than 8,000 inspections were made.

4. Since January 1, 1959, new provisions of the Code have taken effect relating to:

increasing space for sleeping quarters
fire-resistant construction
banning use of portable kerosene heaters
heating facilities if occupied in cold weather
requiring caretakers for large camps
screening against insects
hot and cold running water for bathing.

Other States:

a. Six other states require a camp to be licensed.

b. Ten other states have codes requiring acceptable housing standards. Fewer than one-half of the states regulate labor camps to any extent.

WAGE PAYMENTS

New York:

a. A registrant must pay wages at least as high as those declared when he registers with the Industrial Commissioner. Wage rates must be posted conspicuously. New York, like most of the other states and the Federal government, specifically excludes agricultural workers from its minimum wage law.

b. All persons who are required to register must keep payroll records for each worker, showing wage rates, wages earned, hours worked or units produced and all deductions. This information must be given to the worker each time he is paid.

1. 1959 and 1961 legislation requires growers to keep such records and provide such statements, where the crew leaders or farm labor contractors do not make the wage payment.

c. Like other employers, farm labor employers are required to pay wages in full, weekly, except that they may pay every two weeks if the payment covers all work done through payday.

d. The Industrial Commissioner may collect unpaid wages from employers.

Other States:

a. Hawaii and Wisconsin have minimum wage requirements covering agricultural workers. California issued a minimum wage order in April, 1961, effective in August.

b. One other state, Colorado, has specifically required, since 1960, payroll records and statements to workers.

c. General wage payment legislation in some states is comparable to New York's and sufficiently broad to cover farm workers. California and Massachusetts have specific wage payment laws; New York's is more stringent. Fifteen states have sufficiently broad collection laws to cover the collection of unpaid farm wages.

COMMISSARY REGISTRATION

New York:

a. The Labor Law requires operators of farm labor camp commissaries to obtain Certificates of Registration from the Industrial Commissioner.

1. Prices of everything sold must be posted.

2. Registrations are revoked if prices charged are in excess of those posted.

Other States:

No other state has such a law.

SOCIAL INSURANCE

New York:

a. Although the Workmen's Compensation, Disability Benefits and Unemployment Insurance Laws do not provide mandatory coverage of agricultural workers generally, the Workmen's Compensation Law does cover farm workers using certain types of machinery under certain conditions and an employer may voluntarily provide Workmen's Compensation coverage for farm workers.

b. About 70% of migrant workers in New York have been voluntarily covered by their employers with Workmen's Compensation or Farmer's Liability Insurance.

Other States:

a. Workmen's Compensation coverage of farm workers is mandatory in seven states. In Vermont it is elective. In four other states besides New York, farm workers in certain limited farm occupations, are covered while in four additional states such coverage is elective.

b. All four states that have disability benefits programs specifically exclude agricultural workers.

c. Only Hawaii provides Unemployment Insurance coverage for farm workers, but this is limited. Among the states which permit voluntary coverage, North Dakota is the only state in which farmers have elected to participate to any degree.

EDUCATION

New York:

a. The Education Law requires school attendance by children from 7 to 16 years of age. Migrant children are included.

b. The Education Department works with local school districts to assure educational opportunities for migrant children. New York's program was used as a basis for the recommendation of the Regional Meeting of the U. S. Department of Health, Education and Welfare in 1960.

c. A census of migrant children is conducted. In 1960, there were 3,602 such children between birth and 18, and 2,076 were enrolled in school.

d. Summer schools for migrant children are operated by local school districts with full State reimbursement. The number of such schools has increased from two in 1958 to eight in 1960. Nine operated during 1961.

e. For the first time in 1959, a combined child care center and summer school was operated. Two such cooperative programs were operated in 1960 and six in 1961.

Other States:

While a few other states are conducting summer schools for migrants on a pilot project basis, New York is the only state carrying on a continuing program.

MOTOR VEHICLE PRIVILEGES

New York:

a. Migrants must have valid operators' licenses from their home states and pursuant to 1960 legislation must take New York's vision and highway sign identification tests.

b. All vehicles operated in New York must have liability insurance.

Other States:

Six other states have specific laws or regulations governing the movement of migrants by privately owned conveyances, but some of the provisions of these laws or regulations are covered generally in New York law, including testing of drivers, equipment safety and insurance.

The Joint Legislative Committee on Migrant Labor

Assemblyman Alonzo L. Waters, *Chairman*

Senator Frank E. Van Lare, *Vice-Chairman*

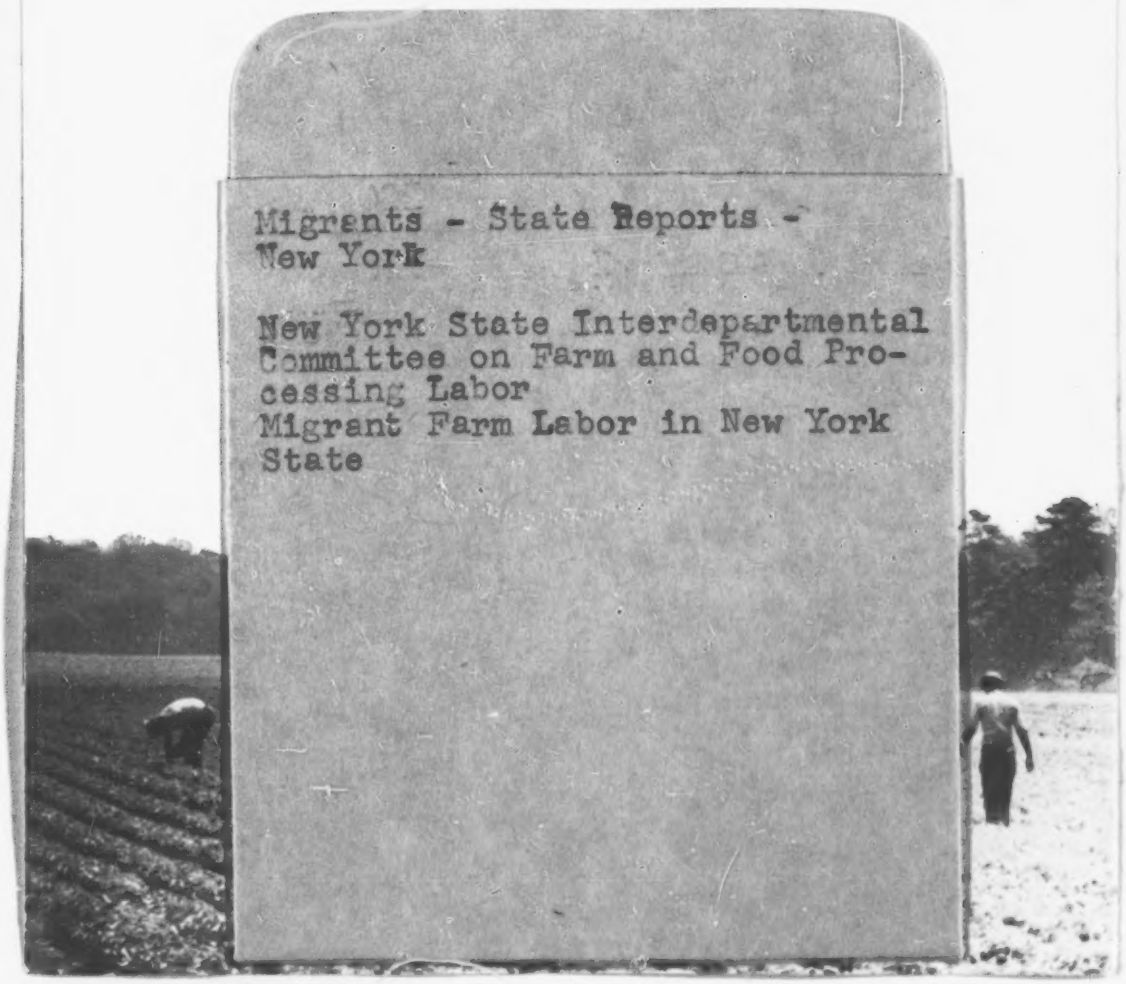
Senator James L. Watson, *Secretary*

Senator Edward J. Speno

Assemblyman Guy L. Marvin

Assemblyman Harold I. Tyler

Assemblyman Harvey M. Lifset



The Governor's Advisory Council on Farm and Food Processing Labor

Mark Buckman, *Chairman*	Agriculture—Fruit Grower
O'Dell Clark	National Association for the Advancement of Colored People
E. S. Foster	New York State Farm Bureau
Robert Greig	Agriculture—Fruit Grower
Mrs. Frank C. Monte	Consumers League of New York
Msgr. John J. Neylon	Roman Catholic Diocese of Buffalo
Frank Pixley	Agriculture—Bean Grower
Rev. Kenneth Roadarmel	New York State Council of Churches
E. Kenneth Taber	Agriculture—Potato Grower
J. Carlton Yeldell	National Urban League
O. B. Price	New York State Canners and Freezers Association, Inc.

STATE OF NEW YORK

Nelson A. Rockefeller, Governor

A Report by the

New York State Interdepartmental Committee On Farm and Food Processing Labor

Cooperating Agencies:

The Joint Legislative Committee on Migrant Labor,

Assemblyman Alonzo L. Waters, *Chairman*

and

The Governor's Advisory Council on Farm and Food Processing Labor,

Mark Buckman, *Chairman*